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Rights of the Child

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COMMITTEEE ON THE RIGHTS OF THE CHILD

Sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the Child: Burkina Faso

1. The Committee considered the initial report of Burkina Faso (CRC/C/3/Add.19) at its 135th to 137th meetings (CRC/C/SR.135, 136 and 137), held on 7 and 8 April 1994 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for its report, which has been prepared in conformity with the Committee's guidelines, and for the submission by the Government of Burkina Faso of written replies to its list of issues. It notes with satisfaction that the supplementary information provided by the delegation made it possible to engage in a frank and constructive dialogue with the State party.

B. Positive aspects

3. The Committee welcomes the measures undertaken by the Government of Burkina Faso, since the entry into force of the Convention in 1990, in order to promote and to protect the rights of the child. It notes the adoption by the Government of Burkina Faso of the National Plan of Action (NPA) and the establishment of the follow-up and Evaluation Committee to monitor its implementation; the adoption of legislative measures prohibiting female

* At the 156th meeting, held on 22 April 1994.

circumcision and the setting up of a National Committee to Combat Female Circumcision; and the announced revision of penal and labour legislation, which will, inter alia, bring the national law into conformity with the international standards for the protection of the rights of the child set forth in the Convention on the Rights of the Child.

4. The Committee appreciates very much the willingness and the readiness of the Government of Burkina Faso to cooperate with various intergovernmental and non-governmental institutions in the field of the promotion and protection of the rights of the child in accordance with the standards set forth in the Convention. The efforts made by the Government to involve, at the national and local levels, customary and religious leaders in the implementation of the rights of the child are also appreciated.

C. Factors and difficulties impeding the application of the Convention

5. The Committee is aware of the difficulties encountered by Burkina Faso, particularly those associated with the low level of adequate resources, and the implementation of the structural adjustment policies and the recent devaluation of the CFA franc. Certain traditional practices and customs, prevailing particularly in rural areas, also create difficulties for the application of the provisions of the Convention. The Committee notes that the Government of Burkina Faso is well aware of the existing difficulties impeding the implementation of the Convention and much appreciates the frankness and self-critical approach of the report in this respect. The Committee, furthermore, notes the commitment expressed by the Government to do everything, through national as well as international actions, in such a difficult situation, to ensure that children's problems are treated with the highest possible priority.

D. Principal subjects of concern

6. The Committee expresses its concern about the negative effects of poverty and structural adjustments on the situation of children in Burkina Faso, as illustrated by the high rate of infant mortality, malnutrition, as well as the low level of health services and school attendance.

7. The lack of adequate mechanisms for the collection of data on the situation of children is also a matter of concern.

8. The Committee expresses its serious concern at the persistence of discrimination against girls and women. The Committee is concerned at the low school attendance and high drop-out rate among girls, especially at the primary level, and at the continuing practices of female circumcision, forced marriages and domestic violence, as well as the low coverage and acceptance of family-planning programmes.

9. The Committee is also concerned about the persistence of some discriminatory social attitudes towards vulnerable groups of children, including those born out of wedlock and disabled children. The lack of adequate recourse and complaints procedures for children, victims of cruel treatment, including domestic violence, for cultural as well as material reasons, is also a matter of concern.

10. The Committee feels that the vaccination programmes are not adequate, both in terms of the range of vaccines offered and the groups covered, and do not correspond to the real needs, especially in rural areas.

11. The Committee notes that the sanctions set forth in the legislation as regards juvenile offenders, especially in cases carrying the death penalty or life imprisonment, reduced respectively to life imprisonment or to 20 years' imprisonment, are excessively high. Harsh sentences, as well as the occurrence of arbitrary detention of juveniles and the admittedly very difficult conditions of detention, are not in conformity with the provisions of articles 37 and 40 of the Convention.

12. The Committee also expresses its concern about the lack of adequate training provided to law enforcement officials and judicial personnel in the light of article 3 of the Convention.

13. The Committee is also concerned about the lack of adequate protection provided to child workers, in particular those employed in agriculture, domestic service and the informal sector.

E. Suggestions and recommendations

14. The Committee recommends that a comprehensive strategy be elaborated and effectively implemented by the Government of the State party to eradicate the existing discrimination against girls and women. In that context, special efforts should be made to prevent existing practices of forced marriage, female circumcision and domestic violence. More attention should be paid to the wider dissemination of knowledge about modern methods of family planning.

15. The Committee also recommends that special efforts should be made by the Government to pursue the process of bringing the existing legislation into line with the provisions of the Convention and to take fully into account the interests of the child in the course of drafting new legislation, including through the possibility of considering a comprehensive legislative act on the rights of the child. The Penal and Labour Codes, now under revision, should be brought in line with the relevant provisions of the Convention.

16. The Committee recommends that the personnel dealing with children be provided with adequate training, with particular emphasis being placed on the provisions of the Convention on the Rights of the Child.

17. The Committee also suggests that part of the training of law enforcement personnel, judges and other relevant personnel be devoted to an understanding of international standards on juvenile justice, including the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The national penitentiary system should be reformed to assure appropriate treatment of children deprived of their liberty, including through non-institutional measures.

18. The Committee being aware of the lack of necessary financial resources to implement some of the recommendations formulated above, strongly recommends that the State party consider requesting assistance from the Centre for Human Rights, under its Programme of advisory services and technical assistance, in the field of the administration of juvenile justice. It is also suggested that support from the international community be made available, in particular in the fields of legislative review, training of law enforcement personnel, judges and other administration of justice officials, and for the development of an adequate system for the collection of data on the situation of children.